

## **ATTACHMENT A**

## Section 64.1310

(a)(1) Except as provided in Section 64.1310(a)(4) and Section 64.1310(a)(5), it is the responsibility of the first facilities-based interexchange carrier ("IXC") to which a compensable coinless access code or subscriber toll-free payphone call is delivered by the local exchange carrier to track, or arrange for the tracking of, each such call so that it may accurately compute the compensation required by Section 64.1300.

(2) For all toll-free and access code calls other than calls terminated by the IXC to a reseller's switch, the IXC must provide to each payphone service provider ("PSP"), at the time dial-around compensation is due to be paid, a statement in computer readable format indicating the volumes of compensated calls originating from each of the PSP's payphones, for each month covered by such payment, classified in the following categories:

- (A) subscriber toll-free calls;
- (B) prepaid card calls terminated by the IXC's facilities;
- (C) 0+ and 101XXX-0+ calls terminated by the IXC's facilities; and
- (D) other access code calls terminated by the IXC's facilities.

The IXC also will report to PSPs, quarterly, within 30 days of the end of the quarter for which the report is issued, the average call completion percentage for calls in each category. If feasible, this information shall be based on calls originating from payphones in each quarter. The IXC will arrange a third party annual review of their payphone compensation systems and processes and the system and process for determining completion rates for the above categories of calls.

(3) For toll free and access code calls that the IXC terminates to a reseller's switch, except as provided in Section 64.1310(a)(4) and Section 64.1310(a)(5), the IXC must implement its compensation obligations in accordance with *either* paragraph (A) *or* paragraph (B) immediately following:

~~(A) The IXC must compensate PSPs for all toll-free and access code calls for which answer supervision is received in the IXC's network, from whatever source, without regard to whether or not such calls are completed to the called party. The IXC must classify such calls as falling within Section 64.1310(a)(2)(A), and must provide to each PSP the same information required by Section 64.1310(a)(2);~~

~~(B)(A)~~ By agreement with the reseller, ~~the IXC may~~ must compensate PSPs only for toll free and access code calls that are completed to the called party. ~~Upon execution of the agreement with the reseller, Upon PSP request, the IXC must identify to each PSP the name and address of that the reseller and the to which a particular toll-free and access code numbers is assigned, that are covered by the IXC's agreement with the reseller. The IXC must obtain from the reseller a data feed showing all compensable calls, and must provide to each PSP, at the~~

time dial-around compensation is due to be paid, a statement in computer readable format indicating the volumes of compensable calls, for each of the reseller's toll-free and access code numbers, that originated from each of the PSP's payphones. Additionally, the IXC must provide to each PSP, at the time dial-around compensation is due to be paid, a statement in computer readable format indicating the volumes of calls for which answer supervision was received in the IXC's network, for each of the reseller's toll-free and access code numbers, that were delivered from each of the PSP's payphones; or

(B) The IXC may choose to compensate PSPs for all toll-free and access code calls for which answer supervision is received in the IXC's network, from whatever source, without regard to whether or not such calls are completed to the called party. The IXC must classify such calls as falling within Section 64.1310(a)(2)(A), and must provide to each PSP the same information required by Section 64.1310(a)(2). If the IXC chooses this option, it may not require resellers to remit compensation for any calls that were not completed to the called party.

(4) ~~If the switch based reseller has agreed with the PSP and the IXC, respectively, that the reseller shall compensate the PSP for all compensable calls terminated to the reseller's switch~~ that are completed to the called party then the IXC is not required to compensate the PSP for calls terminated to that reseller. The compensation obligations of the parties shall be as specified in such agreements between the parties, provided, however, that:

(A) The reseller's agreement with the PSP must expressly provide that the PSP agrees to accept compensation from the reseller and that the IXC, as a third party beneficiary, is released from all payment obligation; and

~~(B) Unless explicitly provided otherwise in the PSP's agreement with the reseller:~~

~~(i) the reseller must have, and must make available to the PSP, documentation substantiating the reseller's ability to track and compensate the PSP for, compensable calls;~~

~~(ii) The reseller must provide to the PSP, at the time dial-around compensation is due to be paid, a statement in computer readable format identifying the resellers toll-free and access code numbers and indicating the volumes of compensable calls, for each of the reseller's toll-free and access code numbers, that originated from each of the PSP's payphones;~~

~~(iii) The IXC must provide to the reseller, and the reseller must forward to the PSP, at the time dial-around compensation is~~

~~due to be paid, a statement in computer readable format indicating the volume of calls for which answer supervision was received in the IXC's network, for each of the reseller's toll-free and access code numbers that were delivered from each of the PSP's payphones.~~

(5) Switch-based resellers may enter into agreements with a billing clearinghouse which will compensate PSPs for toll-free and access code calls that are completed to the called party in lieu of achieving an individual agreement with each PSP in accordance with the following:

- (i) Switch based resellers who choose to compensate PSPs via a clearinghouse must provide to the clearinghouse a data feed showing all compensable calls for each of the reseller's toll-free and access code numbers, that originated from each payphone. The data feed that pertains to a particular PSPs payphones will be made available to that PSP upon request.
- (ii) If a PSP receives compensation through a billing clearinghouse, the first switch based provider is released from all payment obligations
- (iii) The reseller will arrange a third party annual review of their payphone compensation systems and processes and the system and processes for determining call completion.